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Gaurav Mittal

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05/04/2005

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SUITE 1400

DALLAS, TX 75225

EXAMINER

VUONG, QUOCHIE B

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/918,394 | Applicant(s) MITTAL, GAURAV | |
| | Examiner Quochien B Vuong | Art Unit 2685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination (RCE)

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/19/2005 has been entered.

Claim Objections

2. Claims 1-4 and 6-12 are objected to because of the following informalities: claim 1, line 23, after the phrase "directly between the mobile station", --and the server-- should be added in order to make it clear for a data connection directly between two devices.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila et al. (US 5,794,142) in view of Hansson (U.S. 6,023,620).

Regarding claims 1 and 13, Vanttila (figure 2) discloses a method and apparatus for a radio communication system having a network part including a server (36 and 36a) and a data message service center (SMS within the cellular network 32, column 2, lines 8-11) that at least communicates data messages generated at the data message service center to a mobile station (10) operable in the radio communication system, the mobile station being operable pursuant to at least a first operational parameter stored at the mobile station that relates to the operation of the mobile station in the radio communications system but is not the entire software code for operating the mobile station, the first operational parameter during communication operations by the mobile station, the apparatus for facilitating downloading of a value defining the at least the first operational parameter pursuant to which the mobile station is operable, the method and apparatus comprising: a download-operational-parameter initiation signal generator embodies at the network part coupled to receive an indication of a request to download the value revising the at least one operational parameter to the mobile station, the download-operational-parameter initiation signal generator for generating an initiation signal for communication to the data message service center to initiate downloading of the value revising the at least the first operational parameter to the mobile station (see column 3, lines 9-21; column 7, lines 53-57); a download-parameter request signal generator positioned at the data message service center, the download-parameter request signal generator for generating a data-message request for communication to

the mobile station, requesting initiation of the downloading of the value defining the at least the first operational parameter to the mobile station (see column 3, lines 9-21; column 5, lines 13-24; column 7, lines 53-63; and figure 5); and a data call initiator operable responsive to detection of acceptance by the mobile station of the data-request message, the data call initiator for initiating a data connection with the mobile station to download the value revising the first operational parameter, the value, once download, used pursuant to subsequent communication operations (column 5, lines 13-24; and column 7, lines 53-67). Vanttila et al. do not specifically disclose the data download with the data connection directly between the mobile station and the server. However, Hansson discloses after receiving a response from a mobile station, the server downloading data to the mobile station through a data connection directly between the mobile station and the server (column 3, line 61 – column 4, line 11). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hansson to the data call initiator of Vanttila et al. for directly downloading the revising value from the server to the mobile station without using the SMS as an option for one to select how to downloading the data from the server to the mobile station (as suggested by Hansson, column 4, lines 7-26).

As to claims 2, 14, Vanttila et al. disclose that the radio communication system provides for SMS (Short Message Service) message communication, wherein the data message service center comprises an SMS service center, and wherein the

download-parameter request signal generator is positioned at the SMS service center (see column 3, lines 56-65).

As to claim 3, Vanttila et al. disclose that the data-message request generated by the download-parameter request signal generator comprises an SMS message for communication to the mobile station center (see column 3, lines 52-57; and figure 2).

As to claims 4 and 15, Vanttila et al. disclose a data message request detector coupled to receive indications of the data message request generated by the download-parameter request signal generator, the data message request detector for detecting the data message request requesting the initiating of the downloading (see column 3, lines 9-21, 52-57).

As to claims 6 and 17, Vanttila et al. discloses that the node-device apparatus comprising: a data call connector operable responsive to initiation by the data call connection initiator of the data call connection, the data call connector for completing the data call connection between the node-device and the mobile station (see column 7, lines 60-64; also see column 6; lines 33-35).

As to claims 7 and 18, Vanttila et al. disclose an operational parameter value provider (figure 2, 36a) coupled to the data call connector, the operational parameter value provider for providing the value of the at least the first operational parameter to the mobile station subsequent to completion of the data call between the node-device and the mobile station (see column 7, lines 60-64; also see column 6; lines 33-35).

As to claim 8, Vanttila et al. and Hansson disclose the apparatus of claim 7 above; in addition, Hansson discloses a data call status reporter operable at least

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responsive to successful downloading of the value of the at least the first operational parameter provided to the mobile station by the operational parameter value provider to report the successful downloading of the value to the mobile station (see column 3, lines 5-24; column 4, lines 50-54).

As to claims 9 and 19, Hansson discloses that the data call status reporter further determines whether the downloading of the value of the at least the first operational parameter to the mobile station is successful (see column 3, lines 5-24; column 4, lines 50-54).

As to claims 10 and 20, Hansson discloses that the data call connector further terminates the data call connection subsequent to the report made by the data call status reporter (see column 4, lines 50-54).

As to claim 11, Vanttila et al. disclose authenticating the mobile station prior to completion of the data call between the node-device and the mobile station (see column 6, lines 25-32).

As to claim 12, Vanttila et al. and Hansson fail to disclose a packet data network as claimed. However, the examiner takes Official notice that a packet data network is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above conventional packet data network to Vanttila et al. and Hansson in order to have a reliable way of transmitting updated parameters to the mobile stations.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 13 which regarding to 102(b) rejection over Vanttila have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed 04/19/2005 have been fully considered but they are not persuasive.

Applicant argues that Hansson fails to disclose the data connection. The examiner, however, does not agree with the Applicant. Applicant's attention is directed to Hansson (column 3, line 61 to column 4, line 15) which discloses a data connection directly between the server and the mobile station.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong

Apr. 29, 2005.